

REMARKS

This Amendment is submitted in reply to the Non-Final Office Action dated June 10, 2010. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

Summary of the Examiner's rejections

Claims 1-6, 8, 13-15, 17-18, 23-31, 33, 38-40, 42-43 and 48-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Laroia, et al. (US 2005/0181799) in view of Kamel (US 6,496,531).

Summary of claim amendments

Applicant has cancelled claims 1-6, 8, 13-15, 17-18, 23-31, 33, 38-40, 42-43, and 49 (without prejudice), amended claim 48, and added new claim 52. The support for the amendments to independent claim 48 and the new independent claim 52 can be found in original claims 7, 9 and 49, page 2, lines 3-6, page 3, lines 14-17, page 4, lines 3-5, page 5, lines 14-15, page 6, lines 9-13, and page 7 line 17-page 9, line 13 of the originally filed patent application. No new subject matter has been added.

Remarks regarding the §103(a) rejections and new claim 52

Applicant respectfully submits that the amended independent claim 48 is not disclosed or suggested by Laroia, Kamel or any combination thereof. The amended independent claim 48 recites the following:

48. A cellular radio communications system comprising:
a first radio communications equipment, located within a first cell, for communicating traffic with different characteristics, the traffic being divided into two or more categories including conventional communications and opportunistic communications which transfer with different characteristics, wherein conventional communications comprise communications in which transmission power for various channels is adjusted to achieve at least minimum quality requirements and wherein opportunistic communications use scheduling and rate control to transfer traffic, the first radio communications equipment further comprising processing circuitry for allocating traffic transmissions that use conventional communications to physically wholly or partially separated channels to the traffic transmissions that use opportunistic communications;

a second radio communications equipment, located within a second cell, for communicating traffic with different characteristics, the traffic being divided into two or more categories including conventional communications and opportunistic communications which transfer with different characteristics, wherein conventional communications comprise communications in which transmission power for various channels is adjusted to achieve at least minimum quality requirements and wherein opportunistic communications use scheduling and rate control to transfer traffic, the second radio communications equipment further comprising processing circuitry for allocating traffic transmissions that use conventional communications to physically wholly or partially separated channels to the traffic transmissions that use opportunistic communications; and

processing circuitry for allocating traffic of different characteristics of different cells by which allocation interference between differently characterized communications of neighboring cells is minimized, wherein the processing circuitry allocates the traffic of different characteristics of the different cells by minimizing a number of time slots, frequency slots or time-frequency slots which overlap and contain different types of communications that are transmitted from the first and second radio communications equipment in the different cells.

The newly claimed invention now recites a "first radio communications equipment", a "second radio communications equipment", and a "processing circuitry for allocating traffic of different characteristics of different cells by which allocation interference between differently characterized communications of neighboring cells is minimized, wherein the processing circuitry allocates the traffic of different characteristics of the different cells by minimizing a number of time slots, frequency slots or time-frequency slots which overlap and contain different types of communications that are transmitted from the first and second radio communications equipment in the different cells." The newly claimed invention addresses a problem to reduce the possibility where conventional communications from one cell may interfere with opportunistic communications of another cell. Laroia and Kamel do not teach the newly recited claimed limitations and in particular the claimed processing circuitry as it relates to allocating traffic that are transmitted from the first radio communications equipment and the second radio communication equipment. Furthermore, Laroia and Kamel do not address the aforementioned problem solved by the newly claimed invention. Instead, Laroia teaches a base station that can use different wireless communications channels to communicate information with a wireless communications terminal (see FIG. 19 step 1904). Kamel teaches a base station that uses a voice channel, a control channel, and a data channel to interface with a mobile station (see

col. 1, lines 13-15). In view of at least the foregoing, Applicant submits that the aforementioned substantial differences between the amended independent claim 48 and Laroia, Kamel or any combination thereof are indicative of the patentability of the amended independent claim 48 and the corresponding dependent claim 50.

Applicant respectfully submits that the new independent claim 52 is patentable in view of Laroia, Kamel or any combination thereof. The new independent claim 52 recites the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 48. As such, the aforementioned remarks regarding the patentability of the amended independent claim 48 apply as well to the new independent claim 52. Accordingly, Applicant respectfully requests the allowance of the new independent claim 52.

CONCLUSION

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for pending claims 48, 50 and 52.

The Commissioner is hereby authorized to charge any fees for this paper and the co-filed information disclosure statement to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/William J. Tucker/

By William J. Tucker
Registration No. 41,356

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(214) 324-7280 or (972) 583-2608
william.tucker@ericsson.com